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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/900,217	07/06/2001	Andrew Vincent Marolda	US010329	6266

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EXAMINER

HOSSAIN, FARZANA E

ART UNIT PAPER NUMBER

2617

DATE MAILED: 07/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/900,217	MAROLDA, ANDREW VINCENT	
	<b>Examiner</b>	<b>Art Unit</b>	
	Farzana E. Hossain	2617	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 06 July 2001.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12-10-01 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### ***Specification***

1. The abstract of the disclosure is objected to because

Page 26, Line 9: The abstract recites "...authorized to scheduler..". The office assumes that scheduler should be schedule. Correction is required.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this

Office action:

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1, 2, 7-9, 17- 23 are rejected under 35 U.S.C. 102(e) as being anticipated by Ellis et al (US 2005/0028208 and hereafter referred to as "Ellis").

Regarding Claim 1, Ellis discloses receiving a request, from a scheduler or remote access device user, to schedule a recording of a program for a recipient (Page 2, paragraphs 0015, 0019, Page 8, paragraph 0097). Ellis discloses issuing a command to record or performing the desired function (Page 2, paragraphs 0015, 0019, Page 15, paragraph 0163). Ellis discloses that the

scheduler and the recipient are different individuals or a person at work and a person at home (Figure 1).

Regarding Claim 2, Ellis discloses all the limitations of Claim 1. Ellis discloses that it is determined if the scheduler or remote access device user is authorized to schedule a recording or using a password to perform functions including program recording (Page 8, paragraph 0099). Ellis discloses that the scheduler can issue a command to record the program for the recipient or the home user by performing the record function (Page 8, paragraph 0097). It is necessarily included that if the scheduler access features of the program guide via the remote access device to record a program for the recipient or the home user, then the scheduler is authorized to schedule a recording for the recipient.

Regarding Claim 7, Ellis discloses all the limitations of Claim 2. Ellis discloses that the steps of receiving (Figure 1, 16), determining or authenticating via a password or access (Page 8, paragraph 0099) and issuing or scheduler interacting with recipient's equipment (Page 8, paragraph 100) are performed by a service provider (Figures 6a, 6b, 16).

Regarding Claim 8, Ellis discloses all the limitations of Claim 7. Ellis discloses accepting a monetary amount for a program or pay-per-view listing. It is inherent that if a pay-per-view listing is ordered that it has been purchased and payment must be given. Ellis discloses that the scheduler or user with remote access can issue a command to record the program (Figure 19) for the recipient when the scheduler is authorized to schedule or order a recording (of a pay-per-view listing) for the recipient or user television guide equipment (Figure 20) and

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when the monetary amount meets a predetermined amount or predetermined information on price (Page 15, paragraph, 0165).

Regarding Claim 9, Ellis discloses all the limitations of Claim 2. Ellis discloses that the steps of receiving (Figure 1, 24, Figure 6a, 24), determining or authenticating via a password or access (Page 8, paragraph 0099) and issuing or scheduler interacting with recipient's equipment (Page 15, paragraph 0163) are performed by a personalized television recorder (PTVR) or user television equipment (Figure 6a, 6b, 16).

Regarding Claim 17, Ellis discloses a system or user television equipment (Figures 2, 3, 4, 22). The user television equipment can be a personal computer television (Page 7, paragraph 0088) with a memory (Page 6, paragraph 0082). Ellis discloses that the user television equipment may have suitable memory (Page 6, paragraph 0082). It is inherent that the system has computer-readable code as the system is designed to perform necessary functions and that the system comprises a memory that can store computer-readable code. The system has a processor or processing circuitry operatively coupled to the memory or digital storage device that can implement the computer-readable code (Page 6, paragraph 0084). Ellis discloses that necessary functions (completed due to inherent computer readable code) allow the system to receive a request, from a scheduler or remote access device user, to schedule a recording of a program for a recipient (Figure 19, 2010) and to issue a command to record the program for the recipient (Page 8, paragraph 0163), wherein the scheduler and the recipient are different individuals (Page 2, paragraph 0019).

Regarding Claim 18, Ellis discloses a computer readable medium or digital storage device as user television equipment (Page 7, paragraph 0083). It is inherent that the computer readable medium has a computer-readable code as it is designed to perform functions necessary for the computer readable medium. Ellis discloses that necessary functions (completed due to inherent computer readable code) comprises steps to receive a request (Page 2, paragraphs 0015, 0019), from a scheduler or remote access device user, to schedule a recording for a recipient (Page 8, paragraph 0097) and to issue a command to record the program for the recipient (Page 2, paragraph 0015; Page 8, paragraph 0097) wherein in the scheduler and the recipient are different individuals (Page 2, paragraphs, 0015, 0019).

Regarding Claim 19, Ellis discloses a system for person-to-person scheduling by comprising the means to receive a request from a scheduler to schedule a recording of a program for a recipient (Page 2, paragraph 0019, Page 8, paragraph 0097). Ellis discloses that the system has a means for issuing a command to record the program (Page 15, paragraph 0163), wherein the scheduler is a first person and the recipient is a second person (Page 2, paragraph 0019).

Regarding Claim 20, Ellis discloses a recorder with a method comprising the steps of receiving an instruction from a scheduler to schedule a recording of a program for a recipient (Page 15, paragraph 0163), wherein the scheduler and the recipient are different individuals (Page 2, paragraph 0019). Ellis discloses the method of recording the program (Figure 19, 2020).

Regarding Claim 21, Ellis discloses all the limitations of Claim 20. Ellis discloses that the scheduler can request to record the program for the recipient or the home user by performing the record function (Page 8, paragraph 0097). Ellis discloses that it is determined if the scheduler or remote access device user is authorized to schedule a recording or using a password to perform functions including program recording (Page 8, paragraph 0099) when the scheduler is authorized to schedule the recording for the recipient.

Regarding Claim 22, Ellis discloses a system or user television equipment (Figures 2, 3, 4, 22). The user television equipment can be a personal computer television (Page 7, paragraph 0088) with memory or a digital storage device (Page 6, paragraph 0083). It is inherent that the system has computer-readable code as the system is designed to perform necessary functions and that the system comprises a memory that can store computer-readable code. The system has a processor or processing circuitry operatively couple to the memory or digital storage device that can implement the computer-readable code (Page 6, paragraph 0084). Ellis discloses that necessary functions (completed due to inherent computer readable code) allow the system to receive an instruction from a scheduler to schedule the recording of a program for a recipient (Figure 19), wherein the scheduler and the recipient are different individuals (Page 2, paragraph 0019), and to record the program (Figure 10, 2040).

Regarding Claim 23, Ellis discloses that the scheduler selects a program for a recipient (Page 8, paragraph 0097, Figure 19), wherein the scheduler and the recipient are different individuals (Page 2, paragraph 0019); forming an

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instruction suitable to allow recording of the program (Page 15, paragraph 0163); and transmitting the instruction or issuing the command to record the scheduled listing (Page 15, paragraph 0163).

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 3-6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ellis in view of Basso et al (US 2002/0124262 and hereafter referred to as "Basso").

Regarding Claim 3, Ellis discloses all the limitations of Claim 2. Ellis discloses that if the scheduler is authorized to schedule a recording for the recipient (Page 8, paragraph 0099). However, Ellis does not disclose if the determination is dependent on the scheduler matching an entry in a buddy list. Basso discloses that the determining whether a scheduler is authorized to schedule a recording if the scheduler matches an entry in a buddy list or closed user group (Page 2, paragraphs 0029, 0034). Therefore, it would have been obvious at the time the invention was made to modify Ellis to include a buddy list (Page 2, paragraphs 0029, 0034) as taught by Basso in order to allow users to



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record items of interest for their friends (Page 2, paragraph 0034) as disclosed by Basso.

Regarding Claim 4, Ellis and Basso disclose all the limitations of Claim 3. Basso discloses that the scheduler matches an entry in a buddy list or closed user group (Page 2, paragraph 0029). It is inherent that the scheduler identification matches one of a plurality of identifications in the buddy list as a closed user group only allows communication between the users in the group.

Regarding Claim 5, Ellis and Basso disclose all the limitations of Claim 3. Basso discloses a buddy list or closed user group (Page 2, paragraph 0029). It is inherent that the scheduler identification matches one of a plurality of identifications in the buddy list as a closed user group only allows communication between the users in the group. Basso discloses each entry in a buddy list further comprises determining if a scheduler PTVR identification matches one of a plurality of identifications in the buddy list or IP identification (Page 1, paragraph 0008). It is inherent that if video is distributed within an IP network, that there is an IP address or identification associated with each PTVR.

Regarding Claim 6, Ellis and Basso disclose all the limitations of Claim 3. Ellis discloses a scheduler who is authorized to record on a PTVR owned by the recipient (Page 15, 0163-0164). Ellis does not disclose a buddy list. Basso discloses a buddy list or a closed user group (Page 2, paragraph 0029). It is necessarily included for the buddy list or closed user group to register the recipient and register the scheduler, which creates a buddy list for the recipient, comprising at least one entry.

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Regarding Claim 13, Ellis discloses all the limitations of Claim 1. Ellis discloses the scheduler informing or sending messages to recipient or the interactive television equipment. Ellis does not disclose that the scheduler or recipient is informed that the command has been issued (Page 2, paragraphs 0034). Basso discloses informing the recipient of the recording of a program. Therefore, it would have been obvious at the time the invention was made to modify Ellis to inform the recipient that a command has been issued (Page 2, paragraphs 0034) as taught by Basso in order to allow users to record items of interest for their friends (Page 2, paragraph 0034) as disclosed by Basso.

6. Claims 3 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ellis in view of Dworkin (US 2002/0071540).

Regarding Claim 3, Ellis discloses all the limitations of Claim 2. Ellis discloses that if the scheduler is authorized to schedule a recording for the recipient (Page 8, paragraph 0099). However, Ellis does not disclose if the determination is dependent on the scheduler matching an entry in a buddy list. Dworkin discloses a buddy list or user group (Page 2, paragraph 0015). Therefore, it would have been obvious at the time the invention was made to modify Ellis to include a buddy list (Page 2, paragraph 0015) as taught by Dworkin order to provide a group user functions for a corporation or private group of individuals (Page 2, paragraph 0015).

Regarding Claim 6, Ellis and Dworkin disclose all the limitations of Claim 3. Ellis discloses a scheduler who is authorized to record on a PTVR owned by

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the recipient (Page 15, 0163-0164). Ellis does not disclose a buddy list. Dworkin discloses a buddy list or user group (Page 2, paragraph 0015-0018), with a service provider registering the recipient, registering the scheduler, and creating a buddy list for the recipient, comprising at least one entry.

7. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ellis in view of Basso and Dworkin.

Regarding Claim 10, Ellis discloses all the limitations of Claim 2. Ellis discloses issuing a command (Page 8, paragraph 100) to record the program for the recipient when the scheduler is authorized to schedule a recording for the recipient (Page 8, paragraph 0099), wherein issuing the command or allowing the scheduler to interact with the user television equipment by a service provider (Page 8, paragraph 100), to a scheduler PTVR (Page 15, paragraph 0164). However, Ellis does not disclose if the determination is dependent on the scheduler matching an entry in a buddy list or explicitly disclose that the recipient PTVR can retrieve recorded program from the scheduler PTVR. Basso discloses that the determining whether a scheduler is authorized to schedule a recording if the scheduler matches an entry in a buddy list or closed user group (Page 2, paragraphs 0029, 0034). Basso also discloses the issuing of a command by a service provider for the program to be recorded on the scheduler PTVR and allows a recipient PTVR to retrieve a recorded program from the scheduler PTVR by a service provider (Page 2-3, paragraphs 0029, 0034). Ellis and Basso do not disclose that each entry has paid to be on the list. Dworkin discloses that a

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buddy list where each entry has to pay to be on the list (Page 2, paragraph 0018). Therefore, it would have been obvious at the time the invention was made to modify Ellis to include a buddy list (Page 2, paragraphs 0029, 0034) and to allow schedulers to record programs on their PTVRS for subsequent retrieval as taught by Basso in order to allow users to record items of interest for their friends (Page 2, paragraph 0034) as disclosed by Basso. Therefore, it would have been obvious at the time the invention was made to modify Ellis to include a buddy list wherein each entry in the buddy list has paid to be on the list (Page 2, paragraph 0034) as taught by Dworkin in order to provide a group user functions for a corporation or private group of individuals (Page 2, paragraph 0015).

Regarding Claim 11, Ellis, Basso, and Dworkin disclose all the limitations of Claim 10. Basso discloses that the recipient PTVR retrieving the recorded program from the scheduler PTVR (Pages 2-3, paragraph 0034).

Regarding Claim 12, Ellis, Basso, and Dworkin disclose all the limitations of Claim 10. Ellis discloses that the scheduler PTVR or remote access device transmits the recorded program to the recipient PTVR (Page 15, paragraph 0164).

8. Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ellis in view of Kwoh (US 6,226,793).

Regarding Claim 14, Ellis discloses all the limitations of Claim 2. Ellis discloses that there is an authorization feature to allow the scheduler or remote access device user to be able to access the recipient or user television

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equipment (Page 8, paragraph 0099). However, Ellis does not disclose that the scheduler or the recipient will be informed that the scheduler is not authorized to schedule a recording for the recipient. Kwoh discloses that informing the scheduler when the scheduler is not authorized to select the particular program (Figures 9, 10). It is necessarily included that if a program cannot be selected due to lack of authorization, then the scheduler cannot schedule a recording for the recipient. Therefore, it would have been obvious at the time the invention was made to modify Ellis to inform the scheduler of lack of authorization to scheduler a recording (Figure 9, 10) as taught by Kwoh in order to provide parents with broad control of the viewing or use of a television by a child (Column 1, lines 52-56) as disclosed by Kwoh.

9. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ellis in view of Saib (US 6,097,878).

Regarding Claim 15, Ellis discloses all the limitations of Claim 1. Ellis discloses receiving the issued command or receiving access communications (Page 9, paragraph 110), which includes commands from the scheduler (Page 15, paragraph 0163). Ellis does not disclose determining if a conflict exists between the command and a previously entered recording request and rejecting the command when a conflict exists. Saib discloses that if conflict exists between the command and a previously entered recording request and rejecting the command when a conflict exists (Column 6, lines 60-65). Therefore, it would have been obvious at the time of the invention was made to modify Ellis to include a feature to reject recording conflicts with two recording requests on the

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recorder (Column 6, lines 60-65) as taught by Saib in order to update antiquated programming schemes with recorders (Column 2, lines 7-17) as disclosed by Saib.

10. Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ellis in view of Ellis et al (US 2004/0181814 and hereafter referred to as "Ellis2").

Regarding Claim 16, Ellis discloses all the limitations of Claim 1. Ellis discloses receiving the issued command or receiving access communications (Page 9, paragraph 110), which includes commands from the scheduler (Page 15, paragraph 0163). Ellis does not disclose determining if a conflict exists between the command and a program being watched and reject the command when a conflict exists. Ellis2 discloses determining if a conflict exists between the command and a program being watched (Figure 4c) and rejecting the command when a conflict exists (Figure 4c). Therefore, it would have been obvious at the time the invention was made to modify Ellis to include a rejection mechanism due to conflicts between a currently viewed program and a recording command from the scheduler (Figure 4c) as taught by Ellis2 in order to provide a more sophisticated program guide and recording possibilities (Page 1, paragraphs 0005-0006) as disclosed by Ellis2.

### ***Conclusion***

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure: Knudson (US 6,526,577) and Franco (US 2002/0046407).


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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Farzana E. Hossain whose telephone number is 571-272-5943. The examiner can normally be reached on Monday to Friday 8:00 am to 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Kelley can be reached on 571-272-7331. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

FEH  
June 23, 2005

  
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